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10/021,103	12/07/2001	Thomas E. Altman	IP-6209	8968
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INTERNATIONAL PAPER COMPANY 6285 TRI-RIDGE BOULEVARD LOVELAND, OH 45140			EXAMINER SHEIKH, ASFAND M	
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			3627	
DATE MAILED: 01/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,103	Applicant(s) ALTMAN, THOMAS E.	
	Examiner Asfand M. Sheikh	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/7/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20-21 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "performed" in claims 20-21 and 30 is a relative term which renders the claim indefinite. The term "performed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner will interpret "performed" to be the any data that can be associated with the article of manufacture.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 5, 7-8, 10, 12-15, 18-20, 22-23, and 27, 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Amidhozour et al. United States Patent 6,381,510 (hereinafter Amidhozour).

As per claim 1, Amidhozour discloses entering desired values for one or more of the properties of the article of manufacture (col. 9, lines 19-38; FIG. 9A and 9B); transmitting the desired values to a processor programmed to compare each desired value with the actual value for each respective property of the article of manufacture to determine whether there is a match between each desired value and the actual value for each

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respective property (col. 9, lines 46-56 and col. 10, lines 34-35); and receiving data from the processor indicating that each desired value is matched by the actual value for each respective property of the article of manufacture (col. 10, lines 34-35; Examiner interprets "turns up a candidate" to be matched data based on the property comparison of desired and actual values).

As per claim 5, Amidhozour discloses selecting the article of manufacture and transmitting an offer to purchase the selected article of manufacture to a product supplier (col. 10, lines 59-61).

As per claim 7, Amidhozour discloses transmitting an offer to purchase the selected article of manufacture to a product supplier includes the step of transmitting an order to purchase the selected article of manufacture to a product supplier (col. 10, lines 59-61).

As per claim 8, Amidhozour discloses receiving data from the processor includes the step of receiving data indicating that each desired value is exactly matched by the actual value for each respective property of the article of manufacture (col. 9, lines 19-56 and col. 10, lines 34-35; Examiner interprets

that "adjustment of attributes" could allow the user to be strict on the importance of "data" and make all values exactly match).

As per claim 10, Amidhozour discloses acquiring actual values for one or more of the properties of the article of manufacture (col. 8, lines 7-12); storing the actual values as part of a database (col. 8, lines 7-12); transmitting the actual values to a processor programmed to compare each desired value of a property selected by a purchaser with the actual value for each respective property of the article of manufacture to determine whether there is a match between each desired value and the actual value for each respective property (col. 9, lines 19-56 and col. 10, lines 34-35); and receiving an offer from the purchaser to purchase the article of manufacture (col. 10, lines 59-61).

As per claim 12, Amidhozour discloses transmitting the actual values to a processor includes the step of transmitting the actual values over the computer network to the purchaser for processing (col. 10, lines 34-35; Examiner interprets "attributes" to be the values transmitted to the purchaser).

As per claim 13, Amidhozour discloses transmitting the actual values to a processor includes the step of transmitting the actual values over the computer network to a distributor for processing (col. 10, lines 59-67; Examiner interprets "dealer" to be a distributor).

As per claim 14, Amidhozour discloses processing the desired values and the actual values with the processor to determine whether there is a match between each desired value and the actual value for each respective property (col. 9, lines 19-56 and col. 10, lines 35-35).

As per claim 15 and 27, Amidhozour discloses transmitting data to the purchaser indicating that each desired value is exactly matched by the actual value for each respective property of the article of manufacture (col. 9, lines 19-56 and col. 10, lines 34-35; Examiner interprets that "adjustment of attributes" could allow the user to be strict on the importance of "data" and make all values exactly match).

As per claim 18, Amidhozour discloses receiving an offer from the purchaser includes the step of receiving an order to purchase the article of manufacture (col. 10, lines 59-60).

As per claim 19, Amidhozour discloses transmitting data to a distributor to fill the order (col. 10, lines 59-67).

As per claim 20 and 30, Amidhozour receiving data that describes how the article of manufacture performed when used for a particular application (col. 8, lines 6-33).

As per claim 22, claim rejections 1 and 11 are similar, thus claim 22 is rejected on the same matter found in Amidhozour.

As per claim 23, Amidhozour discloses wherein the actual values for the properties of the article of manufacture are measured during the manufacturing processes (col. 8, lines 6-33 and col. 11, lines 17-36; Examiner interprets "history" would contain the values for the article of manufacture in the form of "interesting bits of information").

As per claim 29, Amidhozour discloses wherein the offer is an order for the purchase of the article of manufacture and wherein the processor is further operative to transmit the order

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to a distributor so that the distributor can fill the order
(col. 10, lines 59-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 9, 11, 21, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,381,510 (hereinafter Amidhozour) in view of Hagart-Alexander et al. United States Patent 6,076,022 (hereinafter Hagart-Alexander).

As per claim 2, 11 and 24, Amidhozour fails to explicitly disclose the step of entering desired values for one or more of the properties of the article of manufacture includes the step of entering desired values for one or more of the properties of a particular grade of paper, wherein the properties are selected

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from the group comprising caliper, tensile strength, burst strength, tear resistance, abrasion resistance, picking resistance, fold endurance, ink/water absorptivity, brightness, opacity, finish, softwood/hardwood content, and pH. However, Hagart-Alexander discloses the step of entering desired values for one or more of the properties of the article of manufacture includes the step of entering desired values for one or more of the properties of a particular grade of paper, wherein the properties are selected from the group comprising caliper, tensile strength, burst strength, tear resistance, abrasion resistance, picking resistance, fold endurance, ink/water absorptivity, brightness, opacity, finish, softwood/hardwood content, and pH (col. 5, lines 1-23 and col. 6, lines 16-56; Examiner interprets that even though these properties are used during the "papermaking operation" these values are utilized by creating a "base profile" which is matched to an "measured profile").

Examiner further interprets that these are properties of paper such as Amidhozour has properties of a rug; thus these are analogous in content and the teachings of Hagart-Alexander could be modified to fit into the teachings of Amidhozour.

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to

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include the step of entering desired values for one or more of the properties of the article of manufacture includes the step of entering desired values for one or more of the properties of a particular grade of paper, wherein the properties are selected from the group comprising caliper, tensile strength, burst strength, tear resistance, abrasion resistance, picking resistance, fold endurance, ink/water absorptivity, brightness, opacity, finish, softwood/hardwood content, and pH as taught by Hagart-Alexander. The motivation to combine would allow for the production of a specific grade of paper, based off of the properties desired, which would allow for increase in production for the papermaker (col. 2, lines 37-39 and col. 3, lines 11-15).

As per claim 3, Amidhozour fails to explicitly disclose entering a description of a converting machine on which the article of manufacture is intended to be used; receiving default values, associated with the description of the converting machine, for one or more of the properties of the article of manufacture; and selecting the default values as the desired values for the one or more of the properties of the article of manufacture. However, Hagart-Alexander discloses entering a description of a converting machine on which the article of

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manufacture is intended to be used (col. 6, lines 16-56; Examiner interprets that the "operating condition" could employ different machines that are able to convert articles of manufacture to paper.); receiving default values, associated with the description of the converting machine, for one or more of the properties of the article of manufacture (col. 6, lines 16-56; Examiner interprets that the "profile" is based per "operation condition." This could allow for different values per "operation condition"); and selecting the default values as the desired values for the one or more of the properties of the article of manufacture (col. 6, lines 16-56; Examiner interprets that each "operation condition" contains "optimal profiles" for the specific condition).

Examiner further interprets that could be "makes" of paper (e.g. paper being produced by different converting machines) such as Amidhozour has "makes" of a rug; thus these are analogous in content and the teachings of Hagart-Alexander could be modified to fit into the teachings of Amidhozour.

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include entering a description of a converting machine on which the article of manufacture is intended to be used; receiving default values, associated with the description of the

converting machine, for one or more of the properties of the article of manufacture; and selecting the default values as the desired values for the one or more of the properties of the article of manufacture as taught by Hagart-Alexander. The motivation to combine is the same as claim 2, above.

As per claim 4, Amidhozour discloses the step of entering a description (col. 9, lines 19-38; FIG. 9A and 9B). Amidhozour fails to explicitly disclose entering a description of a converting machine includes the step of entering a description of a converting machine selected from the group comprising a printing press, envelope-folding machine, corrugating machine, and a die-cutting machine. However, Hagart-Alexander discloses entering a description of a converting machine entering a description of a converting machine selected from the group comprising a printing press, envelope-folding machine, corrugating machine, and a die-cutting machine (col. 3, lines 48-62).

Examiner further interprets that entering of a description of a converting machine could be in the form of a selection and is another characteristic of the type such as Amidhozour has "makes" of a rug; thus these are analogous in content and the

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teachings Hagart-Alexander could be modified to fit into the teachings of Amidhozour.

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include entering a description of a converting machine includes the step of entering a description of a converting machine selected from the group comprising a printing press, envelope-folding machine, corrugating machine, and a die-cutting machine as taught by Hagart-Alexander. The motivation to combine is the same as claim 2, above.

As per claim 9 and 28, Amidhozour discloses selecting a tolerance for a desired value and transmitting the selected tolerance to the processor, and wherein the step of receiving data from the processor includes the step of receiving data indicating that the actual value for each respective property of the article of manufacture is within the selected tolerance for the desired value (FIG. 9A and FIG. 9B; Examiner interprets "price" to be a tolerance level). Amidhozour fails to explicitly disclose selecting tolerances for each desired value and transmitting the selected tolerances to the processor, and wherein the step of receiving data from the processor includes the step of receiving data indicating that the actual value for

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each respective property of the article of manufacture is within the selected tolerances for each desired value. However, Hagart-Alexandar discloses selecting tolerances for each desired value and transmitting the selected tolerances to the processor, and wherein the step of receiving data from the processor includes the step of receiving data indicating that the actual value for each respective property of the article of manufacture is within the selected tolerances for each desired value (col. 7, lines 9-64; Examiner interprets that the "ratio" is a range based off of the "profile" which contains all the desired values for article of manufacture).

Examiner further interprets subtle modification Amidhozour with his teachings of tolerance would allow for each desired value to have a tolerance range instead of just one value. This is specific to the selling environment and tailored to articles of manufacture; thus these are analogous in content and the teachings Hagart-Alexander could be modified to fit into the teachings of Amidhozour.

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include selecting tolerances for each desired value and transmitting the selected tolerances to the processor, and wherein the step of receiving data from the processor includes

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the step of receiving data indicating that the actual value for each respective property of the article of manufacture is within the selected tolerances for each desired values as taught by Hagart-Alexander. The motivation to combine is the same as claim 2, above.

As per claim 21, Amidhozour disclose receiving data that describes how the article of manufacture performed when used for a particular application (col. 8, lines 6-33). Amidhozour fails to explicitly disclose receiving data that describes how the article of manufacture performed when used for a particular application includes the step of receiving data that describes how a manufacture of a particular grade of paper performed when processed on a converting machine and further including the step of correlating the performance data with a description of the converting machine. However Hagart-Alexandar discloses receiving data that describes how the article of manufacture performed when used for a particular application includes the step of receiving data that describes how a manufacture of a particular grade of paper performed when processed on a converting machine and further including the step of correlating the performance data with a description of the converting machine (col. 6, lines 16-56; Examiner interprets that each

"operation condition" would contain performance data correlation and the description of the converting machine).

Examiner further interprets subtle modification Amidhozour with his teachings of "performed" would allow performance data correlation and descriptions of a converting machine. This is specific to the selling environment and tailored to articles of manufacture; thus these are analogous in content and the teachings Hagart-Alexander could be modified to fit into the teachings of Amidhozour.

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include receiving data that describes how the article of manufacture performed when used for a particular application includes the step of receiving data that describes how a manufacture of a particular grade of paper performed when processed on a converting machine and further including the step of correlating the performance data with a description of the converting machine as taught by Hagart-Alexander. The motivation to combine is the same as claim 2, above.

5. Claim 6, 16-17, and 25-26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amidhozour et al. United

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States Patent 6,381,510 (hereinafter Amidhozour) in view of Ojha et al. United States Patent 6,598,026 (hereinafter Ojha).

As per claim 6, Amidhozour fails to explicitly disclose transmitting an offer to purchase the selected article of manufacture to a product supplier includes the step of transmitting a bid for the selected article of manufacture to a product supplier. However, Ojha discloses transmitting an offer to purchase the selected article of manufacture to a product supplier includes the step of transmitting a bid for the selected article of manufacture to a product supplier (col. 2, lines 47-63 and col. 3, lines 6-20).

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include transmitting an offer to purchase the selected article of manufacture to a product supplier includes the step of transmitting a bid for the selected article of manufacture to a product supplier as taught by Ojha. The motivation to combine would allow for an electronic commerce solution by which individual buyers may negotiate online with one or more suppliers (col. 2, lines 41-44).

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As per claim 16 and 25, Amidhozour fails to explicitly disclose receiving offers from additional purchasers to purchase the article of manufacture, wherein the offer received from the purchaser and the offers received from the additional purchasers include bids for the article of manufacture. However, Ojha discloses receiving offers from additional purchasers to purchase the article of manufacture, wherein the offer received from the purchaser and the offers received from the additional purchasers include bids for the article of manufacture (col. 2, lines 47-63, col. 3, lines 6-20, and col. 5, lines 10-16).

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include receiving offers from additional purchasers to purchase the article of manufacture, wherein the offer received from the purchaser and the offers received from the additional purchasers include bids for the article of manufacturer as taught by Ojha. The motivation to combine is the same as claim 6, above.

As per claim 17 and 26, Amidhozour fails to explicitly disclose including the step of determining a winning bid based on predetermined auction criteria. However Ojha discloses including the step of determining a winning bid based on

predetermined auction criteria (col. 2, lines 47-63, col. 3, lines 6-20, and col. 5, lines 39-54).

It would be obvious to one skilled in the art at the time the invention was made to modify the teachings of Amidhozour to include including the step of determining a winning bid based on predetermined auction criteria as taught by Ojha. The motivation to combine is the same as claim 6, above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 7a-3:30p.

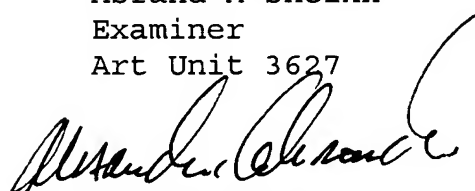
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asfand M Sheikh
Examiner
Art Unit 3627

ams



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER